

~~plurality of the outputted selected fixed form replies and displays a bar graph illustrating a frequency of responses.~~

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25. (NEW) A computer readable storage medium storing a computer program instructing a computer to perform:

storing a plurality of fixed form reply sets, each fixed form reply set containing a plurality of replies;

receiving a message from a host;

selecting a fixed form reply set;

allowing a user to choose a reply from the selected fixed form reply set;

sending the chosen reply to the host; and

computing the frequency of chosen replies sent to the host.

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

I. STATUS OF THE CLAIMS

Claims 1-20 are pending.

Various of the claims are amended.

New Claims 21-25 are added.

In view of the above, it is submitted that claims 1-25 are pending herein for consideration.

II. REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. §103

On page 2 of the Office Action, the Examiner rejects claims 1-20 under 35 U.S.C. §103 as being unpatentable over Peters et al., U.S. Patent No. 5,842,195 (Hereinafter "Peters").

The present invention, as recited for example in claim 1, is an electronic news system for managing an electronic message and a reply to the message comprising a storage means for storing

data for a fixed form reply, an output means for outputting the data for a reply, and a control means for accepting a selection out of the outputted data for a reply as the reply to the message.

Peters, in contrast is a system which allows a survey author to create a survey questionnaire, which then is e-mailed to respondents.

However, Peters does not contain a “storage means for storing data for a fixed form reply,” as recited in claim 1. In Peters, the data for a fixed form reply is not stored in a storage means but instead included as part of the e-mail which is transmitted (see Peters, Figures 6-11). This is completely different than Peters, as Peters does not have a separate storage for the fixed form reply data (see page 7, lines 16-23 of the specification and Figure 2). Storing the reply data separately instead of entering it directly into the e-mail transmission as in Peters is advantageous in that it can typically save the author the trouble of entering replies and also can save transmission time. Therefore, the configuration of Peters is quite different from the present invention, and it cannot be said that Peters would render the present invention as claimed in claim 1 obvious.

Claims 2-6 are dependent upon claim 1, which for the reasons stated above, is patentable over the prior art. In addition, claims 2-6 also recite additional patentably distinct features, and it is submitted that claims 2-6 are independently patentable as well.

Claims 3 and 4 recite a “accepting an input of a free form reply.” Peter has no such corresponding feature. The portion of Peter cited by the Examiner (column 8, lines 48-57) relate to constructing a database, but does not relate to accepting an input of a free form reply.

Claim 5 recites that the fixed form reply can be “selected from a plurality of kinds including a text, still picture, speech, sound and moving pictures.” The Examiner admits that “Peters doesn’t specify that the data can be text, still picture, speech, sound and moving pictures.” The Examiner does state that it would have been obvious to one of ordinary skill in the art to know that such data can be sent via e-mail. However, the sending of data types such as, for example, speech, not merely as e-mail but to be used as a fixed form reply is not disclosed by any of the prior art. As an example, sending speech as a fixed form reply could easily allow test marketers to determine which audible slogan people find most effective. It cannot be said the Peters in conjunction with the common knowledge in the art would render the features of claim 5 obvious.

Claim 6 recites, “means for causing said output means to output data for a fixed form reply of the kind which fits for the contents of the message.” As stated in the remarks regarding claim 1, the system in Peters has no control over the fixed form reply, instead it is merely written by the survey author and embedded in the e-mail. The Examiner states that “Peter teaches use the control means to produce a response document and automatically transmitted back to a collation mean.” This has nothing to do with causing the output means to output data for a fixed form reply of the kind **which fits the content of the message**.

Independent claim 7 should be allowable for the same reasons that claim 1 is allowable.

Claims 8 is dependent upon claim 7, which for the reasons stated above is allowable over the prior art. In addition, claim 8 recites a “free form reply.” As stated in the remarks above with respect to claims 3 and 4, Peters has no mechanism for allowing a free form reply. Therefore, Peters cannot render claim 8 obvious.

Independent claim 9 recites that the server apparatus comprises “storage means for a fixed form reply.” As stated in the remarks above with respect to claim 1, Peters does not render such a feature obvious. The fixed form reply data in Peters is not stored in the server, but embedded in the e-mail. In addition, claim 9 recites that the server apparatus comprises “communication control means for transmitting said data for a reply to the client apparatus.” Again, Peters does not have such a feature.

Claims 10-12 are dependent upon claim 9, which for the reasons stated above, is patentable over the prior art. In addition, claims 10-12 recite patentably distinct features, and it is submitted that claims 10-12 are independently patentable as well.

Claims 11 and 12 recite “accepting an input of a free form reply.” As stated above, Peters discloses no such feature.

Regarding claim 13, the Examiner has misunderstood the claim. Claim 13 has been amended be more clear. Claim 13 (as amended) recites, “control means for accepting a selection out of the outputted data for the first or second fixed form reply based on the category of the message as the reply to the message.” This embodiment is also described on page 22 of the specification. Peters does not relate to selecting a fixed form reply based on the category of the

message, and cannot render claim 13 obvious. In addition, claim 13 is also patentable for all for all of the reasons discussed above.

Claims 14-16 are dependent upon claim 13, which for the reasons stated above, is patentable over the prior art. In addition, claims 14-16 recite additional patentably distinct features, and it is submitted that these claims are independently patentable as well.

Claim 14 recites, "the server apparatus comprises fixed form reply managing means..." and "the client apparatus comprises fixed form reply managing means..." Again, as stated above, Peters has no such equivalent, instead the fixed forms are embedded in the e-mails.

Claims 15 and 16 recite "accepting an input of a free form reply..." As stated above, Peters does not disclose such a feature.

Claims 17-20 recite features similar to those above, but being stored on a recording medium. Thus for the same reasons claims 1-16 are allowable, claims 17-20 are allowable.

III. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required by the submission of this Amendment, please charge same to deposit account no. 19-3935.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8(d)

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